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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,267	09/23/2005	Axel Andreas Thomson	20747/270	3481
<div>7590 Edwin V Merkel Nixon Peabody Clinton Square PO Box 31051 Rochester, NY 14603</div>			<div>EXAMINER HA, JULIE</div>	
			<div>ART UNIT 1654</div>	<div>PAPER NUMBER</div>
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
31 DAYS		03/09/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

DETAILED ACTION

Preliminary amendment filed on March 17, 2005 is acknowledged. Claims 9-17 and 22-23 were cancelled. Claims 1-8, 18-21 and 24-29 are pending in this application.

Election

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Different testosterone suppressors: GnRH antagonist, a GnRH agonist, an androgen antagonist or a 5α reductase inhibitor;

Different proliferative disease: basal cell carcinoma, medulloblastoma, glioblastoma or prostate cancer.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

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are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. The claims are deemed to correspond to the species listed above in the following manner:

Claims 5, 8, 26 and 29.

The following claim(s) are generic: None.

3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: Different testosterone suppressors are patentably independent and distinct due to their different structures and functions. For example, antagonist and agonists act in different way to modulate the GnRH. Further, search for one would not necessarily lead to the other. The different proliferative diseases disclosed are independent and distinct since they are different types of cancers. For example, basal cell carcinoma is a type of skin cancer, while medulloblastoma is a type of brain tumor. Further, search for one would not necessarily lead to the other.

4. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The Applicant is requested to elect a single disclosed species of a testosterone suppressor and a proliferative disease. For example, the Applicant is to elect a single disclosed GnRH antagonist as the testosterone suppressor (claim 26 and paragraph [0050]) and the proliferative disease is prostate cancer (from claim 29).

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not

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distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

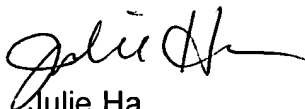
Conclusion

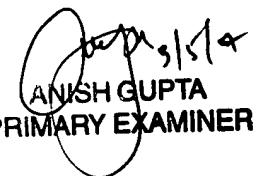
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Ha whose telephone number is 571-272-5982. The examiner can normally be reached on Mon-Fri, 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Julie Ha
Patent Examiner
AU1654


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